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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/897,279 | 07/02/2001 | Wiland Von Wendorff | J&R-0680 | 2028 |
| 24131 | 7590 | 08/21/2007 | EXAMINER | |
| LERNER GREENBERG STEMER LLP | | | KIM, KEVIN | |
| P O BOX 2480 | | | ART UNIT | PAPER NUMBER |
| HOLLYWOOD, FL 33022-2480 | | | 2611 | |
| MAIL DATE | | DELIVERY MODE | | |
| 08/21/2007 | | PAPER | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|----------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 09/897,279 | WENDORFF, WILAND VON | |

| | | |
|-----------------|-----------------|--|
| Examiner | Art Unit | |
| Kevin Y. Kim | 2611 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 June 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,5,6 and 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1 and 3 is/are allowed.
- 6) Claim(s) 5,6 and 14 is/are rejected.
- 7) Claim(s) 8-13 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed June 12, 2007 have been fully considered but they are not persuasive.

Applicant understands that McGibney discloses that all terminals transmit their sync signal simultaneously, so that the signals will all collide. However, before synchronization is established it is impossible for all the terminals to select a time to simultaneously transmit sync signals. It is more reasonable to read that the terminals are configured to transmit sync signals during special synchronization slots, where exact timings within a particular sync slot vary from terminal to terminal. Since two or more terminals happen to simultaneously transmit sync signals, the sync signals will collide and can not be listened to at all. It is advantageous that the sync signals are not to collide with each other. The previous Office action provides a well known collision detection/avoidance technique such as CSMA/CD. Applicant fails to discuss the obviousness of the claimed invention in view of McGibney and CSMA/CD technique.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 5, 6 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over by McGibney (US 6,594,273).

McGibney discloses a synchronous network (see Fig.5) comprising;

nodes transmitting data to another in a predefined sequence for a predefined duration (see Fig.2 showing times slots assigned to nodes), a plurality of said nodes outputting a synchronization signal (see Fig.2 showing SYNC SLOT) defining a reference time for the synchronization of the nodes,

a respective node outputs a sync signal (during a specific time slot or a global time slot as shown in Fig.2 showing SYNC SLOT) for the synchronization with other nodes.

McGibney does not specifically describe that the respective node outputs the sync signal after determining whether and when no other nodes are outputting a sync signal.

The respective node outputs further data in a time slot assigned thereto after outputting the sync signal or receiving a sync signal from other nodes (see Fig.2 showing times slots assigned to nodes).

McGiBney teaches that each node listens to sync signals from other nodes at random intervals. This suggests that McGibney teaches the avoiding of collision between sync signals from other nodes and its own generation of a sync signal during the sync slot.

A carrier sense multiple access with collision detection or CSMA/CD is well known and widely used in the art for a distributed network without a master node, such as used by McGibney. See col.2, line 46- col.3, line 10. Thus, it would have been obvious to one skilled in the art at the time the invention was made to require the nodes of the synchronous network of McGibney to generate a sync signal after determining whether and when no other nodes are outputting a sync signal in order to avoid a collision with other nodes similarly attempting to output sync signals.

Allowable Subject Matter

4. Claims 8-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 1 and 3 are allowed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y. Kim whose telephone number is 571-272-3039. The examiner can normally be reached on 8AM --5PM M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shuwang Liu can be reached on 571-272-3036. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 20, 2007

AU 2611

KEVIN KIM
PRIMARY PATENT EXAMINER

